

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

RABINOWITZ, LUBETKIN & TULLY, LLC

293 Eisenhower Parkway, Suite 100

Livingston, New Jersey NJ 07039

(973) 597-9100

Jonathan I. Rabinowitz

John J. Harmon

Counsel for Jeffrey A. Lester, Chapter 7 Trustee



Order Filed on July 10, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

In re:

IMMUNE PHARMACEUTICALS, INC., et al.,
Debtors.

Case No. 19-13273 (VFP)

Chapter 7
(Jointly Administered)

Hon. Vincent F. Papalia

IMMUNE PHARMACEUTICALS, INC.; IMMUNE
PHARMACEUTICALS, LTD.; CYTOVIA, INC.; IMMUNE
ONCOLOGY PHARMACEUTICALS, INC.; MAXIM
PHARMACEUTICALS, INC.; IMMUNE
PHARMACEUTICALS USA CORP.; and THE OFFICIAL
COMMITTEE OF UNSECURED CREDITORS OF IMMUNE
PHARMACEUTICALS, INC., et al., Plaintiffs,

Adv. Proc. No.: 19-02033

Hearing Date and Time:
June 23, 2020 at 11:00 a.m.

v.

DISCOVER GROWTH FUND, LLC,

Defendant.

**ORDER DENYING TRUSTEE'S MOTION PURSUANT TO F.R.B.P. 9023 FOR
RECONSIDERATION OF ORDER DENYING PARTIAL SUMMARY JUDGMENT UNDER
11 U.S.C. § 510(b)**

the Relief set forth on the following page, numbered two (2), is hereby **ORDERED**.

DATED July 10, 2020

A handwritten signature in black ink, appearing to read "Vincent F. Papalia".

Honorable Vincent F. Papalia
United States Bankruptcy Judge

THIS MATTER having been opened to the Court by Jeffrey A. Lester, Chapter 7 Trustee (the “Trustee”) for Immune Pharmaceuticals, Inc. (“Immune Inc.”), Immune Pharmaceuticals, Ltd. (“Immune Ltd.”), Cytovia, Inc. (“Cytovia”), Immune Oncology Pharmaceuticals, Inc. (“Oncology”), Maxim Pharmaceuticals, Inc. (“Maxim”), and Immune Pharmaceuticals USA Corp. (“USA” and, collectively with the foregoing entities, the “Debtors”), by and through the Trustee’s duly retained counsel, Rabinowitz, Lubetkin & Tully, LLC, upon the filing of a motion for reconsideration (the “Motion”) pursuant to Federal Rule of Bankruptcy Procedure 9023 of the Court’s Order entered on April 20, 2020 denying the second motion for partial summary judgment (the “Partial Summary Judgment Motion”) filed by the Debtor and the Official Committee of Unsecured Creditors of the Debtor (the “Committee”) against Discover Growth Fund, LLC (“Discover”) seeking summary judgment on Count Eight of the Complaint in the above-captioned adversary proceeding (the “Adversary Proceeding”); and good and sufficient notice of the Motion having been provided; and the Court having considered the Motion, the opposition thereto and the arguments of counsel; and for the reasons set forth on the record on June 23, 2020 and in the Court’s denial of the Partial Summary Judgment Motion;

IT IS HEREBY ORDERED that the Trustee’s Motion be and is hereby denied; and it is further

ORDERED that the entry of this Order is without prejudice to any and all further rights the Trustee may have regarding the Adversary Proceeding and the Partial Summary Judgment Motion including, without limitation, any rights of appeal or to seek leave to appeal, to seek a stay pending appeal and to seek certification of a direct appeal to the Court of Appeals pursuant to Bankruptcy Rule 8006.